

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claim 1 has been amended. Thus, claims 1-12 are pending for further examination.

Objection to the Specification and Rejection Under 35 USC 112, First Paragraph

The specification is objected to and the claim amendments are rejected under 35 USC 112, first paragraph, as the Office Action alleges that the Amendment of September 7, 2006 introduces new matter into the disclosure. Specifically, the Office Action alleges that the limitations of a “centrally located firewall” and log files generated by the firewall are new material not described in the specifications. Applicant respectfully disagrees.

The term “centrally located firewall” does not refer to a firewall’s location in any spatial sense. Rather, it refers to the distinction between a firewall located at a server, as opposed to, for example, a plurality of firewalls each located on an individual computer, etc. This is taught by Applicant’s specification at least on page 7, lines 16-19, which indicates, “One or more of these servers is typically used to handle and control access by the company computers to resources that are outside of the company through a firewall.” Thus, the specification does not simply describe a firewall “in general terms,” but rather refers to a distinct method of regulating access to company computers.

Claim 1 has been amended to obviate the objection to the firewall logs being generated by the firewall itself.

In view of the foregoing remarks, Applicant respectfully requests that the objection to the specification and the rejection of claims 1-12 under 35 USC 112 be withdrawn.

Rejection Under 35 USC 103:

Claims 1-12 have been rejected under 35 USC 103(a) as being unpatentable over Bunch et. al. (U.S. Patent No. 6,795,856). For a claim to be properly rejected under 35 USC 103, *inter alia*, each and every limitation of that claim must be taught or suggested in a combination of references. Bunch appears to disclose a technique for monitoring employee internet usage by using software in each client's computer that logs their internet activity, and then sends it to a central server. Indeed, such "client side monitoring" is based off of each computer's internet browsing program (Fig. 3; col.6, lines 24-46), and is thus necessarily tied to each computer.

In marked contrast to Bunch, however, the claimed invention obtains its information by monitoring traffic through a central firewall, as discussed explicitly in claim 1. Thus, the claimed source of information for the log files is fundamentally different from Bunch. Furthermore, even assuming that Bunch's disclaimer of centralized filtering is indistinguishable from the claimed central firewall, Bunch's reliance on client specific programs such as Internet Explorer (e.g., col. 6, lines 16-55) does not allow monitoring traffic through any centralized medium.

The Office Action refers to Figure 2, reference 24 for the proposition that Bunch teaches logging internet usage through a centrally located firewall. However, the cited reference merely recognizes that such a firewall exists -- it does not teach monitoring the traffic through it. Similarly, the reference to col. 2, lines 14-15 illustrates only that Bunch acknowledges that a firewall is a part of the system. The Office Action's reference to col. 3, lines 25-28 does not appear to address the issue of a firewall, at all.

Bunch also teaches monitoring internet usage via monitoring the browser program on each client's computer. In contrast to this limited teaching, however, the claimed invention

monitors e-mail usage and dial-in connections, as well. On page 6, the Office Action notes that using Bunch to log e-mails would be an obvious application of the invention to one skilled in the art, since many e-mail programs are web-based. Applicant respectfully disagrees. E-mail programs operate very differently from web-based applications. This was especially true at the time of the invention. Applicant respectfully submits that this alleged "obvious" application can only be the result of improper hindsight based on the Applicant's own disclosure rather than any teaching of the prior art of record.

The claimed invention provides in claim 1 that the summary reports refer not only to the employee, but also to those under the employee in the company's organizational structure. The Office Action contends that Bunch teaches inputting organization information and guidelines into the monitoring program (col. 3, lines 25-28; col. 2, lines 14-15). However, Bunch only discloses configuring groups of users with different levels of monitoring -- it does not teach or suggest that such grouping would effect the summary reports in any way.

For at least the foregoing reasons, Applicant respectfully submits that amended claim 1 is not rendered obvious by the cited references. Moreover, Applicant respectfully submits that dependent claims 2-12 are allowable at least by virtue of their dependence on allowable, amended independent claim 1.

Conclusion

In view of the foregoing remarks, Applicant believes that all of the pending claims clearly and patentably distinguish the prior art of record and are in condition for allowance. Thus, withdrawal of the rejection and passage of this case to issuance at an early date are earnestly solicited.

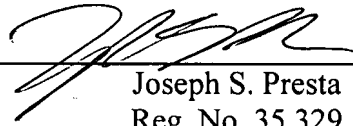
MCFARLANE
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Should the Examiner have any questions, or deem that any further issues need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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